

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED

OCT 17 2000

In Re: Vitamins Antitrust Litigation

MISC. No. 99-0197: (TFH)

Judge
THOMAS F. HOGAN

This Document Relates To:

MDL No. 1285

Blue Seal Feeds, Inc., et al. v. Akzo Nobel, Inc., et al.; Cactus Operating, Ltd., et al. v. Akzo Nobel, Inc., et al.; Countrymark Cooperative, Inc., et al. v. Akzo Nobel, Inc., et al.; Hormel Foods Corporation, et al. v. Akzo Nobel, Inc., et al.; Jerome Foods, Inc. d/b/a The Turkey Store Co., et al. v. Akzo Nobel, Inc., et al.; Marshall Durbin Farms, Inc., et al. v. Akzo Nobel, Inc., et al.; Southern States Cooperative, Inc., et al. v. Akzo Nobel, Inc., et al.; The Quaker Oats Co., et al. v. Akzo Nobel, Inc., et al.; Tyson Foods, Inc., et al. v. Akzo Nobel, Inc., et al.

FILED

OCT 19 2000

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

*for this be
filed
Hogan. J.
10.18.00*

**STIPULATION FOR DISMISSAL WITH PREJUDICE OF CLAIMS
AGAINST E. MERCK, MERCK KGaA AND EM INDUSTRIES, INC.**

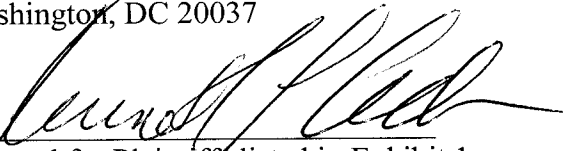
In accordance with Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs listed in Exhibit 1 (collectively "Plaintiffs") and Defendants E. Merck, Merck KGaA and EM Industries, Inc. ("Merck") stipulate and agree to the dismissal, with prejudice, of Plaintiffs' claims in each of the above-captioned Lawsuits against Merck only. This dismissal with prejudice is without prejudice to Plaintiffs' claims against any other Defendants or alleged co-conspirators in the above-captioned cases.

(N)

A proposed Order of Dismissal With Prejudice accompanies this Stipulation as Exhibit 2.

Respectfully submitted,

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
Kenneth L. Adams, Esq.
2101 L Street, N.W.
Washington, DC 20037

By: 
Counsel for Plaintiffs listed in Exhibit 1

-- and --

CLIFFORD CHANCE ROGERS & WELLS LLP
Klaus H. Jander, Esq.
Craig M. Walker, Esq.
Fred W. Reinke, Esq. (D.C. Bar No. 419680)
200 Park Avenue
New York, N.Y. 10166

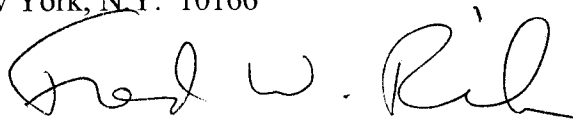
By: 
Counsel for E. Merck, Merck KGaA and
EM Industries, Inc.

EXHIBIT 1

LIST OF PLAINTIFFS

1. Agri Beef Co.
2. Agri-King, Inc.
3. Alabama Farmers Cooperative, Inc.
4. Alan Ritchey, Inc. d/b/a Martindale Feed Mill
5. Allen Family Foods, Inc./Allen's Hatchery, Inc.
6. Amistad Feeders, Inc. d/b/a Southwest Feed Yards (see Cactus Feeders)
7. Animal Nutrition Systems
8. Animix, LLC
9. Arkat Feed, Inc.
10. B.C. Rogers Poultry, Inc.
11. Benedict Feeding Co.
12. Bettencourt Dairy
13. Big Gain, Inc.
14. Blair Milling & Elevator Co., Inc.
15. Blue Seal Feeds, Inc.
16. Braswell Foods
17. Cactus Feeders, Inc.
18. Cagle's Inc.
19. Cal-Maine Foods, Inc.
20. Campbell Soup Co.
21. Case Foods, Inc.
22. Cenex Harvest States Cooperatives
23. Central Farm Supply, Inc.
24. Central Industries, Inc.
25. Choctaw Maid Farms, Inc.
26. Chorney Chemical Co.
27. Circle S Ranch
28. Cocanougher Feed Co. Inc.
29. Coharie Farms
30. ContiGroup Companies, Inc. f/k/a Continental Grain Company
31. Countrymark Cooperative, Inc.
32. Dairy Nutrition Systems
33. Dawe's, LLC
34. DeKalb Feeds, Inc.
35. E.D. & F. Man, Inc. which owns Westway Trading Corp.
36. Eagle Milling Company, Inc.
37. Eastern Minerals, Inc.
38. Evergreen Mills, Inc.
39. Farmers Feed & Supply Co.
40. Farmland Industries, Inc.
41. Fishbelt Feed, Inc.
42. Form-A-Feed, Inc.

43. Friona Industries, Inc.
44. Furst-McNess Co.
45. Garland Farm Supply, Inc.
46. General Nutrition Products, Inc.
47. George's Inc./George's Farms, Inc./George's of Missouri, Inc.
48. Gessell Feed Mill, Inc.
49. Global Health Sciences, Inc. d/b/a D&F Industries, Inc. & Omni-Pak Industries
50. Gold'n Plump Poultry
51. Golden Rod Feed Mill, Inc.
52. Growmark, Inc.
53. Harrison Poultry, Inc.
54. Hitch Mills, Inc./Hitch Pork Producers, Inc.
55. Hormel Foods Corporation/Jennie-O-Foods
56. Hudson Foods, Inc.
57. Indi-Bel Inc. d/b/a Delta Western
58. International Nutrition
59. IVAX Corporation owning Zenith Goldline Pharmaceuticals, Inc.
60. J&J Dairy
61. J&K Farms
62. J.C. Howard Farms
63. Jerome Foods Inc. d/b/a The Turkey Store
64. Kalmbach Feeds
65. Keith Smith Company
66. Kemin Industries, Inc.
67. Kent Feeds, Inc.
68. Kerber Milling Company
69. Kraft Foods, Inc.
70. L&K Enterprises
71. L.L. Murphrey Co.
72. Land O' Lakes, Inc.
73. Malt-O-Meal Company
74. Mar-Jac Poultry, Inc.
75. Marshall Durbin Companies
76. Marshall Minerals, Inc.
77. McClain Enterprises, Inc.
78. MFA Incorporated
79. Midwest PMS, Inc.
80. Milbank Mills, Inc.
81. Milk Specialties Company
82. Mission Pharmacal Company
83. Moark Productions, Inc.
84. Moroni Feed Company
85. Mountaire Corporation
86. N.G. Purvis Farms
87. Naturalife Eco Vite Laboratories d/b/a Paragon Laboratories
88. Norman W. Fries, Inc. d/b/a Claxton Poultry Farms

89. OK Industries, Inc./OK Farms, Inc.
90. Orangeburg Foods
91. Peco Foods, Inc.
92. Pennfield Corporation
93. PennField Oil Company d/b/a PennField Animal Health
94. Performance Plus Liquids
95. Peterson Farms, Inc.
96. Premium Standard Farms, Inc.
97. Prince Agri Products, Inc.
98. Producers Feed Co.
99. Purina Mills, Inc. (choline only)
100. Quaker Oats Company
101. Quality Liquid Feeds
102. Rangen, Inc.
103. Reitsma Dairy
104. Renaissance Nutrition, Inc.
105. Rocco Enterprises, Inc.
106. RP Scherer Corporation
107. Schell & Kampeter, Inc. d/b/a Diamond Pet Foods
108. Schreiber Foods, Inc.
109. Seaboard Corporation
110. Seminole Feed
111. Simmons Foods, Inc.
112. SmithKline Beecham Corporation
113. Southeastern Minerals, Inc.
114. Southern States Cooperative, Inc.
115. Sparboe Companies
116. Standard Nutrition Company f/k/a Standard Manufacturing Co.
117. Star Milling Company
118. Sunshine Mills, Inc.
119. Sylvest Farms, Inc.
120. TC Products
121. Tennessee Farmers Cooperative
122. Townsends, Inc.
123. Tyson Foods, Inc.
124. United Feeds, Inc.
125. Universal Cooperatives, Inc.
126. Vigortone AG Products, Inc.
127. Viking Feed Services, Inc.
128. Vita Plus Corp.
129. Vita Tech International, Inc.
130. Vita-Key
131. Vitaquest International, Inc.
132. WB Fleming Co.
133. Wenger's Feed Mill, Inc.
134. Willmar Poultry Farms, Inc./PALS Division of Willmar Poultry Co.

135. WLR Foods/Wampler
136. Zacky Farms
137. Zephyr Egg

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In Re: Vitamins Antitrust Litigation

MISC. No. 99-0197: (TFH)

FILED

OCT 19 2000

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

This Document Relates To:

MDL No. 1285

Blue Seal Feeds, Inc., et al. v. Akzo Nobel, Inc., et al.	99-2683 TFH
Cactus Operating, Ltd., et al. v. Akzo Nobel, Inc., et al.	99-2684 TFH
Countrymark Cooperative, Inc., et al. v. Akzo Nobel, Inc., et al.	00-234 TFH
Hormel Foods Corporation, et al. v. Akzo Nobel, Inc., et al.	99-1780 TFH
Jerome Foods, Inc. d/b/a The Turkey Store Co., et al. v. Akzo Nobel, Inc., et al.	00-664 TFH
Marshall Durbin Farms, Inc., et al. v. Akzo Nobel, Inc., et al.	99-2682 TFH
Southern States Cooperative, Inc., et al. v. Akzo Nobel, Inc., et al.	99-2685 TFH
The Quaker Oats Co., et al. v. Akzo Nobel, Inc., et al.	99-1972 TFH
Tyson Foods, Inc., et al. v. Akzo Nobel, Inc., et al.	99-2681 TFH

**ORDER OF DISMISSAL WITH PREJUDICE OF CLAIMS AGAINST E. MERCK,
MERCK KGaA AND EM INDUSTRIES, INC.**

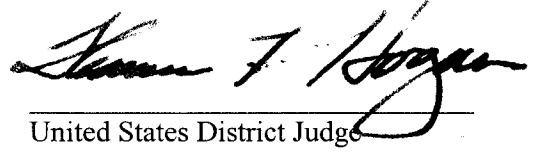
AND NOW, this 18 day of October, 2000, upon consideration of the foregoing stipulation by Plaintiffs listed in Exhibit 1 hereto (collectively, "Plaintiffs") and Defendants E. Merck, Merck KGaA and EM Industries, Inc.

Ordered that the foregoing stipulation of Plaintiffs and Defendants E. Merck, Merck KGaA and EM Industries, Inc. to dismiss with prejudice Plaintiffs' claims in the above-captioned cases against Defendants E. Merck, Merck KGaA and EM Industries, Inc. only be and the same is Accepted. Accordingly, the claims in the above-captioned cases of Plaintiffs against Defendants E. Merck, Merck KGaA and EM Industries, Inc. be and the same are hereby dismissed with prejudice.

(N)

141

This Order is without prejudice to Plaintiffs' claims against any other Defendants or alleged co-conspirators in the above-captioned cases.


United States District Judge

cc: Counsel for Plaintiffs shall serve
conformed copies of this Order
to all counsel of record in MDL
No. 1285 through Verilaw